

CARLOS M. RAMIREZ
MAYOR

MONICA D. CUNNINGHAM
CHIEF ADMINISTRATIVE OFFICER

ESTRELLA ESCOBAR
EXECUTIVE ASSISTANT TO THE MAYOR

MARK THREADGILL
EXECUTIVE ASSISTANT TO THE MAYOR



CITY COUNCIL

JAN SUMRALL
DISTRICT NO. 1

ROSE RODRIGUEZ
DISTRICT NO. 2

LARRY M. MEDINA
DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

PRESI ORTEGA, JR.
DISTRICT NO. 5

PAUL JOSEPH ESCOBAR
DISTRICT NO. 6

LUIS G. SARIÑANA
DISTRICT NO. 7

ELVIA G. HERNANDEZ
DISTRICT NO. 8

REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
MARCH 13, 2001
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Carlos M. Ramirez present and presiding and the following Council Members answered roll call: Jan Sumrall, Rose Rodriguez, Larry M. Medina, John F. Cook, Presi Ortega, Jr., Paul Joseph Escobar, Luis G. Sariñana and Elvia G. Hernandez. Absent: None. Meeting was called to order and the invocation was given in English and Spanish by Pastor Amador Valenzuela, Iglesia del Dios Vivo, followed by the Pledge of Allegiance to the Flag of the United States of America, Mayor's Proclamations & Certificates.

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RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Director of the El Paso Museum of Art be authorized to sign a letter accepting, on behalf of the City of El Paso, the following donation: \$20,000 from The Judith Rothschild Foundation (NY) to fund the acquisition of photographs by Carlotta Corpron, Ida Lansky, and Barbara Maples.

Mayor Carlos M. Ramirez thanked The Judith Rothschild Foundation for their very generous donation that will enable the City to acquire these photographs for our museum.

Motion made by Representative Cook, seconded by Representative Hernandez and unanimously carried to approve the above Resolution.

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Motion made by Representative Ortega, seconded by Representative Cook, and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted. Representative Sumrall, Representative Ortega and Representative Escobar were not present when the vote was taken. (Items approved under Consent Agenda will be shown with an asterisk {*}).

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*Motion made, seconded and unanimously carried to approve the Minutes for Regular City Council Meetings of February 20, 2001 and February 27, 2001.

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*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Contract between the City of El Paso and Keep El Paso Beautiful, Inc. in the amount of \$40,000.00 whereby Keep El Paso Beautiful, Inc. agrees to perform services, including educating the community about long-term benefits of developing and maintaining a clean and healthy community for the period beginning at the execution of this contract through August 31, 2001, subject to Civil Service approval.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a First Amendment to the Air Cargo Center Agreement by and between the CITY OF EL PASO and Ontario Aircraft Services, Inc., amending the Agreement to correctly represent the date of the Lessee's occupation of the premises located at 301 George Perry Blvd.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute and file a grant application with the Paso del Norte Health Foundation for the Retired and Senior Volunteer Program, on behalf of the City of El Paso, in the amount of \$36,344; and

That Deborah G. Hamlyn, Director, Community and Human Development, be authorized to furnish such additional information as the Paso del Norte Health Foundation may require in connection with the grant application for this program; and

That the Mayor be authorized to execute, on behalf of the City of El Paso, any grant agreements for the above amount, or for a greater or lesser amount, and any amendments to the initial Grant Agreement which increases, decreases, or de-obligates Program funds, provided that no additional City funds are required, upon approval by the Paso del Norte Health Foundation for aid in financing this program.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute and file a grant application to the Ageless Health Initiative of the Paso del Norte Health Foundation for the Foster Grandparent Program, on behalf of the City of El Paso, in the amount of \$37,600.

That Deborah G. Hamlyn, Director, Community and Human Development, be authorized to furnish such additional information as the Paso del Norte Health Foundation may require in connection with the grant application or the program; and

That the Mayor be authorized to execute, on behalf of the City of El Paso, any grant agreements for the above amount, or for a greater or lesser amount, and any amendments to the initial Grant Agreement which increases, decreases, or de-obligates Program funds, provided that no additional City funds are required,

upon approval by the Paso del Norte Health Foundation for aid in financing this program. No City matching funds are required.

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*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Comptroller of the City of El Paso is hereby authorized to establish an Arts Resources Non-Grant Award Fund (Fund) from the previously titled "Arts Resources Special Project Account"; and

That the Director of the Arts Resources Department, or such staff as designated by the Director, is authorized to solicit funds; and

That the Director of the Arts Resources Department is authorized to accept donations or proceeds from any fundraising and soliciting activities related to the Arts Resources Department, for deposit into said Fund, while keeping detailed records of such donations or proceeds; and

That the Director of the Arts Resources Department, with the advice of the Arts Resources Advisory Board, and in accordance with City policy, the City's budget process and all applicable law, is authorized to expend proceeds from the said Fund in furtherance of the Arts Resources Department.

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*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Amendment to the Fiscal Year 2000 Emergency Shelter Grant (ESG) Contract between the City of El Paso and the following agency:

Rescue Mission of El Paso, Inc. (150033-7126ES-1362) - increasing the contract amount by \$1,775.81 from \$26,786.00 to \$28,561.81.

The August 31, 2001 termination date of the contract remains unchanged. Recaptured FY 1999 ESG funds for the increased contract amount are to be transferred from grant 7125ES.

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*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of Five Thousand and No/100ths Dollars (\$5,000.00 - \$4,130 loan/\$870 grant) against the following described real property:

Lot 12, save and except the East 13.57 feet thereof, Block 1, Jewel Subdivision, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 13, Page 25, Plat Records of El Paso County, Texas; also known and numbered as 192 Pearl Lane, El Paso, Texas 79915.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of Seventeen Thousand Three Hundred and No 100ths Dollars (\$17,300.00 - \$8,175 loan/\$9,125 grant) against the following described real property:

Lot 9, Block 14, Millers Lakeside Edition, an Addition to the City of El Paso, El Paso County, Texas, according to the plat thereof on file in Book 5, Page 7, Plat Records of El Paso County, Texas; also known and numbered as 150 Edith, El Paso, Texas 79915.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor on behalf of the City and the City Clerk, be authorized to sign a Release of Lien in the amount of Eleven Thousand Nine Hundred Fifty and No/100ths Dollars (\$11,950.00 - \$11,228 loan/\$722 grant) against the following described real property:

Lot 72, Loma Terrace No. II, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 6, Page 69, Plat Records of El Paso County, Texas; also known and numbered as 816 Lomita Dr., El Paso, Texas 79901.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan in the amount of Thirty Eight and 13/100ths Dollars (\$38.13).

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of Six Thousand Nine Hundred Fifty and No 100ths Dollars (\$6,950.00 - \$6,250 loan/\$700 grant) against the following described real property:

Lot 7, Block 3, Capistrano Park Unit One, an Addition to the City of El Paso, El Paso County, Texas, according to the map and plat thereof on file in Volume 6, Page 4, Plat Records of El Paso County, Texas; also known and numbered as 237 Romeria, El Paso, Texas 79907.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

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*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor on behalf of the City and the City Clerk, be authorized to sign a Release of Lien in the amount of Eleven Thousand Nine Hundred Fifty and No/100ths Dollars (\$11,950.00 - \$5,000 loan/\$6,950 grant) against the following described real property:

A portion of Lot 1, Block 1, Alexander Addition To Ysleta, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 4, Page 26, Plat Records of El Paso County, Texas; also known and numbered as 201 Gonzales, El Paso, Texas 79907.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan in the amount of Eighty Two and 87/100ths Dollars (\$82.87).

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor on behalf of the City and the City Clerk, be authorized to sign a Release of Lien in the amount of Five Thousand Nine Hundred and No/100ths Dollars (\$5,900.00 - \$5,350 loan/\$550 grant) against the following described real property:

Lot 28, Block 28, Thomas Manor Unit Ten, an Addition to the City of El Paso, El Paso County, Texas; according to the map thereof on file in Book 31, Page 18, Plat records of El Paso County, Texas; also known and numbered as 7801 Paula Ct., El Paso, Texas 79907.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan in the amount of One and 21/100ths Dollars (\$1.21).

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor on behalf of the City and the City Clerk, be authorized to sign a Release of Lien in the amount of Five Thousand Eight Hundred and No/100ths Dollars (\$5,800.00 - \$5,365 loan/\$435 grant) against the following described real property:

Lot 24, Block 21, Tejas Addition Fourth Section, an addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 6, Page 71, Plat Records of El Paso County, Texas; known and numbered as 6208 Cibolo, El Paso, Texas 79905.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign Modification Number 2 to Contract Number 282-99-0022 between the City of El Paso and the United States Department of Health and Human Services for Metropolitan Medical Response System.

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign Cooperative Agreement No. ATC010065 by and between the City of El Paso and the U.S. Department of Treasury, Bureau of Alcohol, Tobacco and Firearms, relating to the operation of a gang prevention program known as Gang Resistance Education and Training by the Police Department; that the Mayor be authorized to sign and submit an accompanying revised Application for Federal Assistance and to accept such grant award in the amount of \$82,000.00; that the Mayor be authorized to accept such other grant awards, as may be later awarded during this fiscal year, in amounts not to exceed the total application amount of \$150,000.00; and that the Mayor be authorized to execute on behalf of the City of El Paso, any grant amendments which increase, decrease or deobligate program funds provided that no City funds are required, and any documents to request and accept an extension of the award ending date for the grants or Cooperative Agreement. No matching funds required.

Representative Sumrall asked how the Gang Resistance Training would come into play with the CRASH unit.

Captain Mike Gill, El Paso Police Department, responded the GREAT program will be taught in the middle schools, primarily by the SRO officers, PAR officers and others. This will put the resources up front before the juveniles become involved with gangs.

Motion made by Representative Hernandez, seconded by Representative Sumrall and unanimously carried to approve the above Resolution.

Representative Medina and Representative Ortega were not present when the vote was taken.

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement between the City of El Paso and the Drug Enforcement Administration (DEA), whereby the DEA will reimburse the City for certain overtime personnel costs incurred during the operation of a task force from March 6, 2001 to December 31, 2001; and that the Chief of Police be authorized to sign and submit all required documentation and forms to request and receive the actual reimbursements.

Representative Cook explained that Police overtime is paid by programs such as this.

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Captain Mike Gill, El Paso Police Department, explained this item allows for reimbursement to the City for overtime incurred in regard to this program.

Motion made by Representative Hernandez, seconded by Representative Sumrall and unanimously carried to approve the above Resolution.

Representative Medina was not present for the vote.

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That amendments modifying the language of the Interlocal Agreement by and between the City of El Paso, the County of El Paso and the El Paso County Hospital District for the establishment of a new Community Center under Chapter 532, Health & Safety Code, relating the number of board of trustee applications to be submitted each governing body and to the provisions for the removal of trustee members by the board be approved, and that the Mayor be authorized to sign the Agreement as amended.

Representative Rodriguez asked for an elaboration for the public.

Ms. Elaine Hengen, Assistant City Attorney, explained this is the proposed Interlocal Agreement between the entities that will establish a new Community Center, establish a local board and local control that would set the policy and decision making for mental health services in the El Paso County area. She expounded on the revisions requested by the County Commissioners in regard to selecting and terminating members of the Board of Trustees.

Representative Sariñana asked what amount the City is contributing and was the money budgeted.

Ms. Hengen explained each entity would commit to an amount that is approximately 1/6 of the local match that the community center is required to come up with, which is approximately \$82,000.00. Under the Agreement, a provision allows for in-kind contributions to be considered towards the payment of that in-kind service, the City has a number of contracts that would qualify for this.

Ms. Monica D. Cunningham, Chief Administrative Officer, explained it was not a line item for this fiscal year's budget; however, the City has Agreements with various agencies to meet the 90% quickly.

Mayor Carlos M. Ramirez thanked Ms. Hengen for doing an excellent job representing the City in this matter.

Motion made by Representative Sumrall, seconded by Representative Hernandez and unanimously carried to approve the above Resolution.

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*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor, on behalf of the City of El Paso, be authorized to sign the Release of Lien on the property (Legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of the collection effort towards the amount owed pursuant to this condemnation lien:

| | | |
|--------------------------|--------------------|--------------------|
| | <u>Lien Amount</u> | <u>Amount Paid</u> |
| 7515-7517 Franklin Drive | \$21,306.91 | \$13,351.71 |

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*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a release of lien on the following property (legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to this sanitation lien for:

| | | | |
|----------------|-------------|-----------------|-------------------|
| | <u>Lien</u> | <u>Interest</u> | <u>Total Paid</u> |
| 6005 Doe Court | \$64.95 | \$9.05 | \$75.00 |

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*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Independent Contractor contract on behalf of the Parks & Recreation Department. Funding for this contract is in Fiscal Year 2000/2001 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

**NORTHEAST RECREATION CENTER
NO. 510107, SUB-OBJECT 202214**

1. CONTRACTOR: Richard Brown, Karate Instructor
 DATES: March 13, 2001, thru June 27, 2001
 RATE PER CL: \$20.00
 MAXIMUM AMT: \$680.00
 CONTRACT: 2000/2001-167

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*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Independent Contractor contracts on behalf of the Parks & Recreation Department. Funding for these contracts is in Fiscal Year 2000/2001 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

**ARMIJO RECREATION CENTER
NO. 510065, SUB-OBJECT 202214**

1. CONTRACTOR: Reginald E. Ramirez, Scorekeeper Youth Outreach Leagues
 DATES: March 14, 2001, thru May 31, 2001
 RATE PER GM: \$5.85
 MAXIMUM AMT: \$1,872.00
 CONTRACT: 2000/2001-168

**NATIONS TOBIN RECREATION CENTER
NO. 510099, SUB-OBJECT 202214**

2. CONTRACTOR: Brian R. Barajas, Hockey Instructor
DATES: March 15, 2001, thru August 31, 2001
RATE PER CL: \$6.00
MAXIMUM AMT: \$600.00
CONTRACT: 2000/2001-169

3. CONTRACTOR: Jaime Rodriguez, Jr. Hockey Instructor
DATES: March 15, 2001, thru August 31, 2001
RATE PER CL: \$6.00
MAXIMUM AMT: \$600.00
CONTRACT: 2000/2001-170

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*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Employee Contractor contracts on behalf of the Parks & Recreation Department. Funding for these contracts is in Fiscal Year 2000-2001 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

AQUATICS

NO. 010281, SUB-OBJECT 201011

1. CONTRACTOR: Jesus Ayala, Pool Attendant I, Step 1
DATES: May 12, 2001, thru September 30, 2001
RATES PER HR: \$5.40
CONTRACT NO: 2000/2001-188

2. CONTRACTOR: Eduardo Calderon, Pool Attendant I, Step 1
DATES: May 14, 2001, thru September 30, 2001
RATES PER HR: \$5.40
CONTRACT NO: 2000/2001-189

3. CONTRACTOR: Alejandro Vargas, Jr., Lifeguard II, Step 2
DATES: February 26, 2001, thru September 30, 2001
RATES PER HR: \$6.60
CONTRACT NO: 2000/2001-190

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*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Volunteer Services Agreement between the City of El Paso and Diana Elaine Colunga for the El Paso Public Library.

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*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Volunteer Services Agreement between the City of El Paso and Norma Isela Tarango for the El Paso Public Library.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Personal Services Contract for an Independent Contractor between the City of El Paso and Amada Delgado to do Leprechaun character face painting - balloon sculptures at the Cielo Vista Branch Library on March 17, 2001 from 3:00 pm to 4:00 pm. The total cost for the program will be \$60.00.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Volunteer Services Agreement between the City of El Paso and the American Red Cross for programs at various branches of the El Paso Public Library.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Personal Services Employee Contract between the City of El Paso and Javier Garcia, to be employed as a roofer for the Public Works Department at the rate of \$10.32 per hour, for a minimum of 40 hours per week. The term of the contract shall be for the period of March 14, 2001 through March 13, 2002.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Cooperative Work Study Contract between the City of El Paso and Luis Aristizabal for the El Paso Water Utilities at the rate of \$7.466 per hour, not to exceed 20 hours per week without permission from the Co-Op Coordinator. The contract period is from March 14, 2001 through March 13, 2002.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Cooperative Work Study Contract between the City of El Paso and Marco Ramirez for the El Paso Water Utilities at the rate of \$10.142 per hour, not to exceed 20 hours per week without permission from the Co-Op Coordinator. The contract period is from March 21, 2001 through March 20, 2002.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the City of El Paso and Gilberto Melendez, as an Undergraduate Intern for the Department of Solid Waste Management at the rate of \$7.25 per hour, not to exceed 40 hours per week. The term of the contract shall be from March 19, 2001 through March 18, 2002.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Consent to Assignment from Snelling Personnel Services to dmDickason Personnel Services with respect to the City of El Paso's Contracts Nos. 98-0353C1 and 98-0354C3 to provide Temporary/Personnel and Temporary/Personnel Backup to the City of El Paso Personnel Department.

*Motion made, seconded and carried that the following Housing Rehabilitation applications be approved in the amounts shown below as recommended by the Director of Community and Human Development and that the City Comptroller be authorized to issue checks in the amounts shown below for the approved applications.

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|----|--|---|
| A. | H01-01-OL/EC/MP-0039 Interest 0% 6115 Simpia Dr. (05) | Loan: \$33,982.00 Grant: \$ 1,250.00 Total: \$35,232.00 Term: 20 years |
| | | |
| B. | H01-02-OL/EC/LHC/MP-0041 Interest 3% 2701 Louisville Ave. (30) | Loan: \$60,850.00 Grant: \$ 3,500.00 Total: \$64,350.00 Term: 20 years |

*Motion made, seconded and carried to that the following First Time Home Buyers applications be approved in the amounts shown below as recommended by the Director of Community and Human Development and that the City Comptroller be authorized to issue checks in the amounts shown below for the approved applications.

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|----|---|---|
| A. | 01-02-FTHB/HLG-0451 Interest 0% 10367 Menzies (24) | Loan: \$10,000.00 Term: 360 months Grant: \$10,000.00 Term: 360 months |
| | | |
| B. | 01-02-FTHB/HL-0449 Interest 0% 12008 Greenveil Dr. (36) | Loan: \$20,000.00 Term: 357 months |
| | | |
| C. | 01-02-FTHB/HL-0452 Interest 0% 7925 Bois 'D Arc (36) | Loan: \$20,000.00 Term: 357 months |

*Motion made, seconded and carried that the following Housing Reconstruction application be approved in the amount shown below as recommended by the Director of Community and Human Development and that the City Comptroller be authorized to issue a check in the amount shown below for the approved application.

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|---|---|
| H01-02-OL-1505 Interest 2% 3910 Johnson Ave. (30) | Loan: \$62,073.00 Total: \$62,073.00 Term: 20 years |
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*Motion made, seconded and unanimously carried to approve the requests for provisional appointment(s) in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

- A. Recreation Program Supervisor, Parks & Recreation (1 position)
- B. Refuse Collection Assistant Route Foreman, Solid Waste Management (1 position)
- C. Traffic Sign Technician, Street Department

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*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Engineering Department:

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|-----|---|-----------------------|-------|
| Add | 2 | Traffic Specialist II | GS 24 |
| Add | 1 | Traffic Engineer III | PM 80 |
| Add | 4 | Traffic Specialist I | GS 20 |

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*Motion made, seconded and unanimously carried to re-appoint Dr. Roger Ortiz, D.D.S. to the City/County Board of Health by Mayor Ramirez.

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*Motion made, seconded and unanimously carried to re-appoint Benny Benavides to the Ethics Review Commission by Representative Ortega.

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*Motion made, seconded and unanimously carried to re-appoint Rito Carrera to the City Accessibility Advisory Committee by Representative Medina.

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*Motion made, seconded and unanimously carried to appoint Victor Lopez to the City Accessibility Advisory Committee by Representative Sariñana.

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*Motion made, seconded and unanimously carried to appoint Jessie Williamson to the Community Development Steering Committee by Representative Escobar.

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*Motion made, seconded and unanimously carried to appoint Gary L. Williams to the Historic Landmark Commission by Mayor Ramirez.

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*Motion made, seconded and unanimously carried to appoint Matias Benedicto to the RSVP Advisory Council by Mayor Ramirez.

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*Motion made, seconded and unanimously carried that the following tax refunds be approved:

- A. GMAC Commercial Mortgage in the amount of \$2,581.25, overpayment of 2000 taxes.
(PID #1998-999-1311-0034)
- B. Aurora Loan Services in the amount of \$1,797.89, overpayment of 2000 taxes.
(PID #A642-999-0290-2100)
- C. Alfredo Martinez in the amount of \$578.82, overpayment of 1999 taxes.
(PID #A794-999-0040-0900)
- D. Gerald A. Georges in the amount of \$15,111.96, overpayment of 2000 taxes.
(PID #C942-999-001A-2000)
- E. Ocwen Federal Bank, FSB in the amount of \$730.38, overpayment of 1999 taxes.
(PID #E880-999-0090-6900)
- F. World Savings in the amount of \$753.01, overpayment of 1999 taxes.
(PID #G569-999-0050-6700)
- G. Lawyers Title of El Paso in the amount of \$1,010.31, overpayment of 2000 taxes.
(PID #H012-999-0110-3400)

- H. Texas American Title Company in the amount of \$2,504.94, overpayment of 2000 taxes.
(PID #I256-99-0220-4900)
- I. Meterio J. Montez in the amount of \$1,662.07, overpayment of 2000 taxes.
(PID #M181-999-0010-3700)
- J. Yolanda Alvidrez in the amount of \$592.85, overpayment of 1999 taxes.
(PID #P131-999-0050-0700)
- K. Transamerica RET in the amount of \$1,660.74, overpayment of 1999 taxes.
(PID #R038-999-0010-0300)
- L. Joseph C. Rodriguez in the amount of \$598.03, overpayment of 2000 taxes.
(PID #S912-999-001N-4500)
- M. First American Title Co. in the amount of \$5,935.23, overpayment of 2000 taxes.
(PID #S991-999-0010-0100)
- N. Lawyers Title of El Paso in the amount of \$1,026.75, overpayment of 2000 taxes.
(PID #T240-999-0280-0700)
- O. Guadalupe Gonzalez in the amount of \$768.67, overpayment of 2000 taxes.
(PID #V342-999-0080-0400)
- P. Quickstudy Learning Centers in the amount of \$2,788.09, overpayment of 2000 taxes.
(PID #V893-999-0140-7300)
- Q. First Horizon Home Loans in the amount of \$1,445.88, overpayment of 1999 taxes.
(PID #V893-999-5030-0200)
- R. Claudio Devora in the amount of \$1,343.10, overpayment of 2000 taxes.
(PID #V927-999-0350-1700)
- S. First Savings Bank in the amount of \$2,646.61, overpayment of 1999 taxes.
(PID #V897-999-003A-5725)
- T. First Savings Bank in the amount of \$629.33, overpayment of 1999 taxes.
(PID #V897-999-003A-5775)

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 *Motion made, seconded and unanimously carried that the Motion approved by Mayor and Council on 01/30/2001 to BPI Communications Pocral d/b/a Plant Sites & Parks Magazine be amended. Amend BPI Communications Pocral d/b/a (Plant Sites & Parks Magazine), Contract No. 2000-281, to Reed Elsevier New Providence, publisher of said magazine, as it has been acquired by said publisher.

Department: Economic Development
 Funds Available: 010268-202116
 Funding Source: General Funds
 Total Amount: \$17,078.62

.....
 *Motion made, seconded and unanimously carried that the Motion approved by Mayor and Council on 02/27/2001 to Palmer Snyder Furniture Company, Inc. be amended. Amend funding from 250101-208009 Certificate of Obligation 2000 to 102010-208008 Parks, Capital Acquisitions Fund, Capital Equipment. (2000-186)

Department: Parks & Recreation
 Funds Available: 102010-208008 Parks
 Funding Source: Capital Acquisitions Fund, Capital Equipment
 Award Amount: \$14,883.00

SPECIAL INSTRUCTIONS: Funding allocation in regular capital acquisition funds.

.....
 *Motion made, seconded and unanimously carried to approve Change Order No. 11 (Construction Change) to F.T. James Construction for "ADA Downtown Library Rehabilitation" for a decreased amount of \$20,000.00, for the deletion of the installation of the rear elevator and associated work. The elevator

portion of this project has changed in scope due to the planned future expansion of the library. The elevator requirements will change.

Additionally, the funding source on the project is being adjusted as noted below:

| | | | |
|----------|-----------------------|--------------------------|-------------|
| Decrease | CDBG Capital Projects | 150000/7123CD/0687/20802 | \$35,000.00 |
| Add | Capital Acquisitions | 102010/540010/CTY/208008 | \$35,000.00 |

It is also requested that the Mayor be authorized to approve any budget transfers necessary to add this funding source.

.....
*Motion made, seconded and unanimously carried to approve Change Order No. 2 (Construction Change) to Dantex Construction for "Marcos B. Armijo Pool Improvements" for a decreased amount of \$10,918.00 as the manufacturer (Vulcraft) recommended that a non-perforated steel roof deck need to be used in a pool environment receive credit for the perforated roof deck, and install a non-perforated deck.

.....
*Motion made, seconded and unanimously carried to award Bid No. 2001-046 Auto Brake Shoes Pads & Hardware for Heavy Duty Equipment

Award to: Border International Trucks, Inc.
El Paso, Texas
Item(s): Part A, New Parts
Amount: \$25,000.00 (estimated annually)

Department: Equipment Maintenance
Funds available: 370510-203121
Funding source: Equipment Maintenance Internal Service Fund
Total amount: \$25,000.00 (estimated annually)

The Equipment Maintenance and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Vendor offers the City the option to extend the term of the Contract at the same unit prices for one(1) year if the option is exercised within one(1) year from the date of the award.

A total of seven(7) bids were received in response to this solicitation. Five bids submitted were considered non-responsive, as indicated in the attachment.

Part B, Remanufactured Parts will not be awarded at this time.

This is a Requirements Type Contract with an initial term of THIRTY SIX (36) months.

.....
*Motion made, seconded and unanimously carried to award Bid No. 2001-072 Rodder/Sewer Truck

Award to: Underground, Inc.
Pearland, TX
Item: 1
Amount: \$193,945.00
- 4,000.00 Less trade-in allowance
\$189,945.00

| | |
|------------------|--------------------------------|
| Department: | Street |
| Funds available: | 102009-208006-540009 |
| Funding Source: | FY1999 Contractual Obligations |
| Total amount: | \$193,945.00 |

The Equipment Maintenance, Street, and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties. The alternate bid from Underground, Inc. was withdrawn.

This is a fixed-price, single (one-time) purchase, to purchase one (1) Rodder/Sewer Truck. There is an option to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within one hundred eighty (180) days from the date of award of the contract. No prompt payment discount is offered.

.....
Motion made, seconded and unanimously carried to move to the regular agenda Bid No. 2001-096, Project: El Paso Zoo Elephant Exhibit Gates Improvements

Representative Medina questioned the Special Revenue Fund.

Mr. Bill Chapman, Chief Financial Officer, explained that this is coming from zoo gate funds.

Representative Ortega asked how much money was in the fund. Representative Ortega explained that the money is reinvested in the zoo. Mr. Chapman responded several hundred thousand dollars.

Mr. Byron Johnson, Director of Purchasing, explained that the gentleman representing ARC Technology Group, L.P., declined to speak on the item at this time. The Company's concern was with the time frame as he was unable to start the project until July. Mr. Johnson explained the bid process appeal procedures to Council Members.

Motion made by Representative Cook, seconded by Representative Sumrall and unanimously carried to award Bid No. 2001-096

| | |
|--------------|---|
| Project: | El Paso Zoo Elephant Exhibit Gates Improvements |
| Contractor: | Met-Tech, Inc El Paso, Texas |
| Department: | Zoo |
| Funding: | 153029-500040-208027 Special Revenue Fund |
| Base Bid: | \$145,287.57 |
| Total Award: | \$145,287.57 |

That City Council finds the bid submitted by ARC Technology Group, L.P., the apparent low bidder, to be non-responsive due to the bidder specifying a condition regarding the time of performance within his bid; and that award of this contract be made to the second low bidder, Met-Tech, Inc.; and that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the Deputy Director for Engineering, Contract Compliance and the City Attorney.

As part of the award of this contract, the Director of Public Works is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$10,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

DESCRIPTION OR EXPLANATION:

| | |
|--------------|--------------|
| Base Bid: | \$ 87,215.50 |
| Alternate 1: | \$ 22,140.07 |
| Alternate 2: | \$ 35,932.00 |

TOTAL RECOMMENDED AWARD: \$145,287.57

.....
*Motion made, seconded and unanimously carried to award RFP No. 2001-038R - Digital Recording/Archiving System

Award to: Lernout & Hauspie aka Dictaphone
Stratford, Connecticut

Amount: \$222,533.00 (Initial Purchase)

Department: Police/Fire
Funds Available: 250101-MB0001-130-208035
Funding Source: 2000 Capital
Award Amount: \$222,533.00 (Initial Purchase)

Purchasing, Police and Fire Departments recommend award to Dictaphone, a Lernout & Hauspie Company. They submitted the best response to the City's request for high technology proposals.

This is a contract to purchase new equipment to record and archive telephone and radio conversations as required by the Police and Fire Departments. This contract includes the ability for the City to purchase additional equipment at the contract prices for up to one (1) year from the contract date as well as offering enhancement (equipment, services and software) to the City for a five (5) year period. No prompt payment discount is offered. Amount to be awarded: \$222,533.00 initial purchase, other amounts over five (5) year period will be on a "as needed and required" basis.

.....
Motion made, seconded and unanimously carried to move to the regular agenda RFP No. 2001-075R - Computer Controlled Elevator Upgrade.

Representative Sumrall stated that the elevators are in dire need of upgrading. She questioned whether the parts would be warranted, was spending the Certificates of Obligations appropriate for this item and when will the company start the project.

Mr. Byron Johnson, Director of Purchasing, explained the background regarding the RFP and warranty.

Ms. Monica D. Cunningham, Chief Administrative Officer, explained that this was under the heading of "Short Term Acquisition Bonds".

Representative Cook inquired as to how the local vendors fell in.

Mr. Johnson explained since this was an RFP and not a Bid a tabulation was not compiled, as pricing was a 15% factor and technical content was 50%. He explained how and why Kone Elevators was awarded this RFP. Mr. Johnson explained that in June the parts will arrive and the company will bring down one bank of three elevators to repair followed by the other three elevators and finally the Mayor's elevator will be upgraded. He explained the technological intricacies of the Mayor's elevator.

Mayor Carlos M. Ramirez explained that at the time of the elevator repairs the City will look at staggering the starting times for City employees.

Mr. Jeff Terrell, representing Tyson-Dover elevators, requested that Council Members extend the award of this RFP. He explained that in the response from Tyson-Dover, the escalator maintenance costs were included in the base bid and various alternate bids. He questioned how Kone could have included the escalator maintenance costs in their response. He stated that since this was an RFP and through the analysis process, the escalator maintenance was not wanted in the RFP, he would have removed that pricing. Once this pricing was removed, the pricing would be approximately \$45,000.00 lower.

Representative Cook questioned Mr. Terrell regarding the technology advantage of Kone.

Mr. Terrell responded he felt that the technology that his company provides is equal to or surpasses that of Kone. He elaborated on his company's resources, capabilities and equipment.

Mr. Johnson explained that the RFP awarded to Kone does include the escalator service and therefore there is no need to deduct from the cost.

Representative Medina inquired as to the two other RFP's submitted and whether they were local vendors.

Mr. Johnson stated he believed that these were branches of these companies. He explained that Albuquerque is the branch office of Kone and that the parts will be coming from the manufacturing facility. Mr. Johnson explained that this is an RFP in which pricing has only a 15% rating. He elaborated on the bid price of Tyson-Dover and Otis.

There was a discussion regarding reciprocity between Representative Medina and Mr. Johnson.

Representative Ortega questioned the factors involved in the RFP. He questioned how much of the purchasing stays local.

Mr. Johnson responded pricing is 15%, technology and technological content of the proposal was 50%, time frame for installation 15% and maintenance and warranty was 20%. The work will begin in June and end approximately in November; therefore, the individuals working on this project will be staying in hotels and contributing to the tourist industry. Mr. Johnson explained that the new software which was recently approved by Council will allow the Purchasing Department to track these numbers more specifically; however, the construction was approximately 97%, the purchasing (minus sole source items) was approximately 70-75%.

Mr. Terrell stated that Tyson-Dover, formerly Dover elevators, has had a branch office in El Paso since approximately 1965 and have employed El Pasoans since then.

Representative Medina explained he would rather give the local companies, if possible, the opportunity to bid on this.

Mr. Charlie McNabb, City Attorney, explained that the City cannot specify a local preference unless the State statute provides that the City can do this.

Mr. Johnson stated that the City has a maintenance contract with Kone Elevator. The people are local however, they do not have an office in the City. He then addressed the differences of the technology between Kone and Tyson-Dover.

Motion made by Representative Sumrall, seconded by Representative Cook and carried to award RFP No. 2001-075R - Computer Controlled Elevator Upgrade

Award to: Kone Elevators
Albuquerque, New Mexico
Amount: \$848,870.00

Department: Public Works
Funds Available: 250102-208028
Funding Source: FY 2000 CO's
Award Amount: \$848,870.00

Purchasing and Public Works recommend award to KONE. They submitted the best response to the high technology RFP.

This is a fixed-price, single (one-time) purchase, to purchase new equipment to upgrade/replace the elevators and elevator control systems for the City Building at 2 Civic Center Plaza. The amount noted includes service for the first five (5) years and an optional five (5) year period is available for \$1,526.00 per month or \$91,560.00 for the five (5) year period.

Representative Medina voted No.

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*Motion made, seconded and unanimously carried to approve budget transfer BT2001-311 PUBLIC WORKS

Appropriate the Shiloff Family Foundation funds for service (training-instruction) contracts.

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|----------|---------|----|----------------------|--------------------------|
| Increase | \$2,500 | to | 154001/540006/105060 | Donations |
| Increase | \$2,500 | to | 154001/540006/202214 | Train-Instruct Contracts |

.....
*Motion made, seconded and unanimously carried to approve budget transfer BT2001-315 ECONOMIC DEVELOPMENT

Set up budget for Empowerment Zone Land Redevelopment Project funded by a \$55,000 grant from the El Paso Empowerment Zone Corporation with matching funds provided by the City. Grant Number is 720002.

| | | | | |
|----------|----------|----|----------------------|-------------------------|
| Increase | \$42,000 | to | 150035/720002/201011 | P/T Temps |
| Increase | \$ 130 | to | 150035/720002/201100 | Workers Comp |
| Increase | \$ 36 | to | 150035/720002/201101 | Unemployment Comp |
| Increase | \$ 2,604 | to | 150035/720002/201129 | FICA-City Match |
| Increase | \$ 630 | to | 150035/720002/201130 | FICA-Med City Match |
| Increase | \$ 300 | to | 150035/720002/202301 | Motor Pool Usage Fees |
| Increase | \$ 300 | to | 150035/720002/202302 | Print Shop Allocation |
| Increase | \$ 200 | to | 150035/720002/202304 | Mail Room Chgs |
| Increase | \$ 1,500 | to | 150035/720002/203100 | Office Supplies |
| Increase | \$ 500 | to | 150035/720002/203103 | Publications & Subscrip |
| Increase | \$ 500 | to | 150035/720002/203105 | Desktop Software Supp |
| Increase | \$ 400 | to | 150035/720002/204000 | Phone Chgs |
| Increase | \$ 100 | to | 150035/720002/204001 | Long Distance |
| Increase | \$ 300 | to | 150035/720002/204002 | Paging Srvs |
| Increase | \$ 200 | to | 150035/720002/204003 | Postage Overnight Mail |
| Increase | \$ 3,200 | to | 150035/720002/204201 | Travel |

| | | | | |
|----------|----------|----|----------------------|------------------|
| Increase | \$ 100 | to | 150035/720002/204406 | Other Srvs Chgs |
| Increase | \$ 2,000 | to | 150035/720002/208010 | Data Proc Equip |
| Increase | \$55,000 | to | 150035/720002/106000 | Fed Grt Proceeds |

.....
 *Motion made, seconded and unanimously carried to approve budget transfer BT2001-318 OMB

To recognize interest earned in Cash Reserve and allow transferring of interest to regular capital account.

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|----------|-----------|----|---------------|---------------------|
| Increase | \$750,000 | to | 010309/105000 | Investment Interest |
| Increase | \$750,000 | to | 010309/207000 | Interfund Transfer |

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 *Motion made, seconded and unanimously carried to approve budget transfer BT2001-319 LIBRARY

The Library requests a transfer of allocations into the Library's Travel Account. The increase will allow the library to pay the expenses associated with the 2 Major Library Conferences this fiscal year.

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|----------|---------|------|-------------------|--------------------------|
| Decrease | \$5,400 | from | 010202/101/202107 | Catalog, Order & Process |
| Increase | \$5,400 | to | 010201/101/204201 | Trvl Expenses |

.....
 *Motion made, seconded and unanimously carried to approve budget transfer BT2001-322 MUSEUM OF ART

Appropriate funds donated for the purchase of 3 Edward Curtis Photos plus other works to be determined. (I.T. Schwartz) donation.

| | | | | |
|----------|----------|----|----------------------|----------------|
| Increase | \$15,000 | to | 154001/540006/105060 | Donations |
| Increase | \$15,000 | to | 154001/540006/208011 | Cultural Works |

.....
 *Motion made, seconded and unanimously carried to approve the request of Loretto Academy & Nazareth Hall Nursing Center to block off Hardaway between Trowbridge and Bliss on March 17, 2001 from 5:00 a.m. to 3:00 p.m. for a block party. Approximately 200 persons are anticipated. This request includes permission to use amplification (small amplifier & stereo). Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices ". Permit No. 01-013.

.....
 *Motion made, seconded and unanimously carried to approve the request of Kalpulli Tlalteca to hold the Cesar Chavez "Marcha on Wheels" Bike/Lowrider Run on March 25, 2001 from 12:30 p.m. to 1:30 p.m. Route: Start at Oregon and Ninth, east on Cesar Chavez Highway, exit Yarbrough, north on Yarbrough, left on Alameda to Delta, left on Delta to Ascarate Park entrance. Approximately 50 persons, 25 automobiles and 25 motorcycles will participate. Request waiver of fees for \$15.75 for processing of application and fees for police traffic assistance. Signed affidavit submitted. Permit No. 01-014.

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 ORDINANCE 14787

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NO. 013980 WHICH GRANTED A SPECIAL PRIVILEGE TO KELLER & AZAR JOINT VENTURE, INC., OWNER, AND BOEING NORTH AMERICAN, INC., LESSEE, TO PERMIT THE TEMPORARY USE OF A PORTION OF THREADGILL AVENUE FOR SECURITY PURPOSES, BY EXTENDING THE TERM THROUGH MARCH 16, 2003. SP-98143A**

Mayor Carlos M. Ramirez asked if the taxes had been paid.

Mr. Juan Sandoval, Tax Assessor Collector, stated the taxes had been paid.

Motion duly made by Representative Cook, seconded by Representative Sumrall that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Ortega, Escobar, Sariñana and Hernandez

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 14788

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 20 (ZONING) OF THE EL PASO MUNICIPAL CODE, CHAPTER 20.64 (OFF-STREET PARKING AND LOADING REQUIREMENTS), SECTION 20.64.175 (PARKING REDUCTIONS), BY AMENDING SUBSECTION 20.64.175.B. TO REQUIRE A SPECIAL PERMIT APPLICATION FOR AN OFF-STREET PARKING REDUCTION AND CITY COUNCIL APPROVAL FOLLOWING A REVIEW AND RECOMMENDATION OF THE DEVELOPMENT COORDINATING COMMITTEE AND THE CITY PLAN COMMISSION, THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE CODE.**

Mr. Matt Carroll, citizen, shared a personal experience with the Council Members regarding off-street parking. He recommended Council Members approve this Ordinance.

Motion duly made by Representative Sumrall, seconded by Representative Sariñana that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Ortega, Escobar, Sariñana and Hernandez

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 14789

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 19 (SUBDIVISIONS) OF THE EL PASO MUNICIPAL CODE, CHAPTER 19.08 (PLATTING PROCEDURES), SECTION 19.08.040 (LAND STUDY REQUIRED) IN ITS ENTIRETY, BY REDEFINING THE SUBMISSION REQUIREMENTS OF A LAND STUDY AND REQUIRING CITY PLAN COMMISSION APPROVAL FOLLOWING REVIEW AND RECOMMENDATION OF THE DEVELOPMENT COORDINATING COMMITTEE, THE PENALTY BEING AS PROVIDED IN SECTION 19.04.190 OF THE CODE.**

Representative Sumrall asked if a recommendation had come from the Building Zoning Advisory Committee (BZAC).

Motion made by Representative Hernandez, seconded by Representative Sariñana and carried to postpone one week the public hearing to determine if the property located at 503-511 S. Mesa Street - Apartments, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished.

Representative Sumrall voted Nay.

Mr. Thomas Maguire, Building Services, presented Council Members with slides of the property. He then read from a prepared statement and gave the department's recommendations.

Mayor Carlos M. Ramirez commented on the fact that the water heater was next to a sink.

Mr. Maguire responded there are some water heaters inside the apartments and some water heaters located outdoors. Also some apartments have inside bathrooms and others have outside bathrooms.

Mr. Ed Flores, President of Epcon Inc., representing the owner, Mr. Park, explained that the company has submitted an application for demolition of the property located at 503 S. Mesa, which has been granted. This will be an interior demolition, the structure can still be salvaged. He explained the properties at 505-511 S. Mesa are not salvageable. The company will totally demolish this building and then rebuild it. He stated that there are tenants who will need to be relocated.

Representative Hernandez asked whether the 503 address was structurally sound.

Mr. Maguire responded that the Department would like to request an engineer's report and contract to determine whether the structure is sound. He added that the department will request that the demolition drawings which accompanied the demolition permit be augmented to indicate what they are going to take out. He then reiterated the department's recommendations and asked that the contractor provide a certified, signed plan from a licensed professional engineer for 503A and B.

Representative Cook stated that after the demolition, the 503A and B addresses will have to be brought up to the new codes.

Other discussion followed regarding the remodeling of the apartments and Mr. Flores asked that they be allowed three months and not the 30 days as recommended by the Department. Mr. Maguire explained the requirements supporting the Department's recommendation.

Representative Hernandez asked if the engineers would be able to provide the required documents in one week if the item was postponed.

Mr. Flores replied that they could develop a site plan and develop the intended use of the 503 address. Mr. McNabb clarified the requirements under the Ordinance and what could occur if the item is postponed.

Mr. Flores responded to Representative Sumrall that he has owned the property eight years.

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RESOLUTION

WHEREAS, the Building Official and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structures located on the property at 4722 Hercules Avenue, in El Paso, Texas, which property is more particularly described as follows:

Tracts 24 and 25, Sunrise Acres No. 2, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 2, Page 7, Plat Records of the El Paso County, Texas

is dilapidated, substandard, and unfit for human habitation or use; is a hazard to public health, safety, and welfare; and

WHEREAS, Joseph Abraham, Jr., 717 E. E. San Antonio, El Paso, Texas 79901-2520, record Owner, and all mortgages and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on March 13th, 2001; and

WHEREAS, Joe Saavedra, the owner's contractor, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
 - a. That the Buildings located on said property are substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
 - b. That the Buildings are not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
 - c. The Buildings can not feasibly be repaired; and
2. That the City Council hereby orders Owner to comply with the following requirements:
 - a) Demolish the Buildings within thirty (30) days of adoption of the resolution of March 13th, 2001; and
 - b) Clean the premises of all weeds, trash and debris within thirty (30) days of adoption of the resolution of March 13th, 2001; and
 - c) That the owner of said Buildings is hereby ordered to comply with all the requirements of the resolution; and
 - d) That upon failure of the Owner to comply with this resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to demolish the Buildings and clean the premises of all weeds, trash and debris; and
 - e) That the owner is ordered to appeared before City Council on May 8th, 2001 to determine if the Council order of March 13th, 2001 has been complied with, and if the Council order has not been complied with to determine penalties.
3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Deputy Director of Building Services shall demolish the Buildings and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owner of said property; and
4. That said Owner shall become personally liable for all costs incurred by City in connection with demolishing the Buildings and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with the cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and

6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:
 - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and
 - b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owners in an amount not to exceed \$1,000.00 a day for each violation or, if the Owner shows that the property is the Owners lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
 - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and
7. That upon failure of the Owner, any mortgages or lienholders to demolish the Buildings so that the property complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owner, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

Mr. Thomas Maguire, Building Services, showed slides to Council Members. He read from a prepared statement and gave the Department's recommendations.

Mr. Joe Saavedra, representing owner, Joseph Abraham, Jr., stated that he has been working on the property and will comply with the recommendations of the Department.

Motion made by Representative Rodriguez, seconded by Representative Sumrall and unanimously carried to accept the recommendations of the Department and adopt the above resolution..

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 Motion made by Representative Ortega, seconded by Representative Sumrall and unanimously carried to reject Bid No. 2001-094 Proprietary Parts-Ford Motor Co. as recommended by Purchasing and the Equipment Maintenance Department.

This requirement will be reviewed by the user department, a new solicitation will be issued at a later time.

No action was taken regarding Community Development Housing Rehabilitation construction projects at 8021 Arvin, 7109 Sparrow, and 2910 Grant Avenue, as requested by Mr. Jose Olvera, Mrs. Annette Saenz, and Mrs. Irene Flores.

Mayor Carlos M. Ramirez advised Council Members not to discuss this item due to a possible lawsuit.

Representative Sariñana commented on contractors not taking responsibility for their work. He added that the Community Development Department should see that these contractors are meeting guidelines and that the Building Services Department should inspect these projects.

Mayor Ramirez responded that Mr. Olvera refused to have the contractor, Mr. Jesus Velarde owner of J.J. Velarde Construction Company, work on his property. The Community Development Department has guidelines which allow the City to have funds available for rehab or home purchases. Prior to the Community Development Department paying for these services, the contractor and work must be approved. He explained that there were problems between the builder and those individuals before Council Members today.

Ms. Deborah Hamlyn, Director of Community & Human Development, gave Council Members a brief history regarding these properties. She explained that the City has no obligation here. She added the contractor has been removed from the contractor's list and is no longer doing business with the City and that the dispute is between the individuals and the contractor.

Mrs. Irene Flores, 2910 Grant Avenue, made comments regarding her home and the problems she has encountered with the contractor.

Representative Sumrall asked Mrs. Flores questions regarding her property. She then asked Mr. Charlie McNabb, City Attorney, to explain what legal rights the individuals have.

Mr. Charlie McNabb, City Attorney, explained that the legal issue is between the home owners and the contractor. He added the City lends money under a federal program for housing rehabilitation. The City is involved in the bid process where the owners select the contractors. The City does this to comply with federal regulations and to have some "quality control". Mr. McNabb explained the duties and responsibilities of Building Services Department. The warranty comes from the contractor, not the City. The Community Development Department did everything that they could and at this point the dispute is between the property owners and the contractor. He advised Council Members to think of the City's role as that of a lender and not as the entity that does the work or ensures that the work is done.

Representative Sariñana responded to Mr. McNabb's comments.

Mayor Ramirez explained that there are thousands of these projects across the City and these other projects are working very well. He reiterated this is not a problem between the City and the homeowners, it is a problem between the homeowner and the contractor.

Representative Sariñana asked whether the contractors need to be bonded or insured.

Mr. Terry Williams, Deputy Director of Building Services, stated all contractors who take out permits in the City of El Paso are required to provide: 1). \$10,000.00 general liability policy that protects the homeowner in the event of a third party claim due to injury during the construction and 2). \$10,000.00 construction bond. This construction bond is in essence a performance bond it protects both the City and the person for whom the work is being done. He added that, in his opinion, the \$10,000.00 is not high enough and that the Building and Zoning Advisory Committee (BZAC) will be looking into this as soon as next month.

Representative Sumrall stated that the home owners should pursue the contractor and that this is not the City's responsibility to protect the homeowner from a contractor who would not do a good job.

Mrs. Annette Saenz, 7109 Sparrow, spoke in Spanish with regard to the problems with her home.

Representative Medina explained what Mrs. Saenz had stated.

Representative Sumrall responded that Texas is the only state where the contractors do not have to be licensed. She wondered if Council Members might recommend that Legislators look at some form of licensing for contractors.

Mr. Williams advised Council Members that the Building Services Department also favors licensing contractors and that the BZAC will address the issue of having the contractors licensed.

Representative Medina responded to Mr. Williams' comments.

Mr. Jose Olvera, 8021 Arvin, spoke regarding problems with his property.

Representative Hernandez asked Ms. Hamlyn how many years the contractor had worked with the City.

Ms. Hamlyn responded five or six years and that the Department has had a lot of successful projects with this contractor. She added the Department looks at projects that the contractors have done in the past and does research prior to the contractor being placed on the contractor's list. She explained that at this point the remedy is against this contractor. In addition, the Community Development Department tells the property owners and the contractors not to enter into any other contracts, the Department cannot warranty any work outside the contract.

Representative Hernandez stated that these individuals have made complaints and no one has responded.

Ms. Hamlyn explained that she had. Also Mr. Soto, Mr. Alvarado, and other members of her Department have listened and have been responsive. She welcomed Representative Hernandez to review the files.

Representative Cook read from the Notice to the Homeowners; he read the items which the City is not responsible for. He explained that the injustice is with the contractor not with the City.

Mrs. Saenz explained other issues that have not been rectified.

Mayor Ramirez stated that there are some attorneys and/or agencies who work for no fees. The Community Development Department has done everything that they could.

.....
No action was taken regarding suggestions for improving El Paso's human and natural environment and saving tax dollars at the same time. (Matt Carroll)

Mr. Matt Carroll, private citizen, read from a prepared statement regarding natural vegetation. He gave Council Members his recommendations to remedy the destruction of natural vegetation.

Mayor Carlos M. Ramirez asked Mr. Carroll to attend a Committee meeting which is looking into changing Ordinances regarding landscaping. He asked Mr. Carroll to speak with Ms. Pat Adata, Interim Planning Director.

Representative Hernandez explained that Council has reinstated the El Paso Mountain Committee and that this might interest Mr. Carroll.

.....
No action was taken regarding the continuation of PAR and CRASH units while the Department continues to evaluate community input. (Police Chief Carlos Leon)

Police Chief Carlos Leon stated that at a previous Council meeting there was discussion regarding the special teams. It was decided that the Police Department would take 60 days to attend community

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meetings and hear the concerns of the public. He stated that the PAR and CRASH units would not disband and that the IMPACT units would be absorbed into patrol as of April 1st.

Representatives Hernandez, Sumrall, Medina, Escobar, Cook, Ortega and Rodriguez complimented and thanked Chief Leon for his efforts regarding this issue and made comments.

Chief Leon explained that the El Paso Police Department will graduate 60 new police officers this Friday and another academy will begin in about a week. He stated the Department loses approximately 45 officers a year to retirements, resignations or terminations. He stated that IMPACT began in the 1970's at which time there were approximately 15,000 burglaries a month, which has been reduced to 2,000. The Regional Commanders will now utilize the expertise of these IMPACT officers in areas of surveillance, burglaries and thefts.

Chief Leon explained the Police Department has targeted civilianizing 36 positions through a grant. Chief Leon explained "SRO" is a school resource officer and these officers not only act as security but as counselors, advisors and they assist with juveniles and their problems. He explained that the PAR and CRASH units will continue to work on gang related issues although the schools have let out for the summer. There are summer schools and summer programs for the youth.

Mr. Chuy de la O, citizen, made comments.

Chief Leon stated there are 27 officers and 5 sargeants that make up the IMPACT unit. He explained he attended over 20 community meetings regarding this issue.

Mayor Carlos M. Ramirez stated that the Census Bureau released the population figures for El Paso; 563,000. He requested that Chief Leon revise the number of Police officers needed based on the new population count. He stated that Operation Hold the Line has assisted in the decrease in the number of burglaries. He explained when Chief Leon compiles his new numbers, he also take into consideration the Border Patrol, DEA, FBI and other law enforcement agencies officers. The Ysleta and Socorro School Districts have worked well with the City regarding their SRO program. Mayor Ramirez stated that an agreement between the City and the El Paso Independent School District needs to be in place that will explain: 1). How EPISD officers will work with the EPPD officers, 2). Develop a Memorandum of Understanding, Standing Operating Procedure to respond to incidents that outline what EPPD officers and EPISD officers responsibilities are.

Mayor Ramirez suggested that Chief Leon instruct his Assistant PIO to hold "Media Education Days" so that the media will forward this information to the citizens of El Paso so that they can see the numbers and understand the rationale behind the decisions being made.

Chief Leon responded that the Department will be having a four hour instructional block for the media on March 21st that will include the FAT (Firearm Training) system.

Mayor Ramirez read some of the functions of the PAR officers and he asked Chief Leon what these officers do to help fight crime.

Chief Leon responded that these officers should be problem solvers and that this will be changing.

Representative Cook explained that the PAR officers have been very active responding to consumer complaints and negotiations with neighbors in his District. He asked that Chief Leon consider the number of arrests that this unit has made that would have affected crime in this City.

Representative Rodriguez complimented the PAR Officer who works in her District. She elaborated on a situation which arose that the PAR Officer handled very well.

Chief Leon replied that PAR began in 1974 at the Pebble Hills Regional Command Center and that PAR was the direct link to the community at that time. He explained PAR will concentrate on the problem solving issues.

Mayor Ramirez highlighted the neighborhood watch programs and asked that the Police Department continue to focus on these. He then read into the record the number of these neighborhood watch programs.

Representative Sumrall thanked Officer Cano for his assistance regarding a situation on the Westside. She asked Chief Leon if Council Members might attend the March 21st meeting with the Police Department and media.

Chief Leon stated that Council Members would be receiving an invitation soon.

.....
Motion made by Representative Sariñana, seconded by Representative Sumrall and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance permitting El Paso Amateur Radio Club "W5ES" to use a portion of Tom Lea (Upper Park) from 12:00 PM on June 23, 2001 until 12:00 PM on June 24, 2001 for a simulated disaster field training exercise. Fee: \$80.00
- B. An Ordinance permitting Coronado Baptist Church to use a portion of Frank Delgado Park from 11:00 AM until 6:00 PM on May 12, 2001 for a free concert and BBQ Event. Fee: \$80.00
- C. An Ordinance permitting The Humane Society of El Paso to use a portion of Eastwood Album Park from 6:00 AM until 11:00 AM on April 8, 2001 for a Pet Fair Expo Event. Fee: \$150.00
- D. An Ordinance permitting the El Paso Democratic Campaign to use a portion of Sunrise Park from 2:00 PM until 6:00 PM on March 31, 2001 for a campaign rally. Fee: \$70.00
- E. An Ordinance permitting P. D'Anne Smith to use a portion of Nations Tobin Park from 2:00 PM until 4:00 PM on April 8, 2001 for a campaign rally. Fee: \$40.00
- F. An Ordinance authorizing the Mayor to sign a Special Warranty Deed conveying a 0.643 acre parcel of land to Westside Joint Venture in consideration of the dedication by Westside of a one-acre Fire Station Site in Tract 2E of the Nellie D. Mundy Survey 243, El Paso, El Paso County, Texas.
- G. An Ordinance authorizing the Mayor to sign a new Lease Agreement between the City of El Paso and McClatchey Broadcasting Company, DBA KELP AM 1590 Christian Radio, for a transmitter building and radio transmission aerial towers, for that certain property being a Portion of Tracts 52, 53 and 54, Valley Gate Subdivision, El Paso, El Paso County, Texas.

- H. An Ordinance amending Ordinance 8064 (the Classification and Compensation Plan) to provide for general pay increases of 2% on April 1, 2001 for the General Services, Professional/Managerial, Executive Series Pay Plans, Salaried, Unclassified Employees, and Municipal Court Judges.

PUBLIC HEARING WILL BE HELD ON MARCH 27, 2001 FOR ITEMS A - H

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

Representative Medina was not present for the vote.

ADDITION TO THE AGENDA

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Amendment to the Agreement to provide professional consulting services between the CITY OF EL PASO and BUCK CONSULTANTS to perform analyses of additional scenarios and plan modifications that were not contemplated in the November 14, 2000 agreement.

*Motion made, seconded and unanimously carried to approve the authorization to contribute One Thousand Dollars (\$1,000.00) from District IV Discretionary Funds to Valley Fence Company, for the construction of a fence along Franklin Park, 6050 Quail Avenue, El Paso, Texas by Representative John Cook.

*Motion made, seconded and unanimously carried to re-appoint Marguerite Davis to the Ethics Review Commission by Representative John Cook.

No action was taken regarding the notice and violation issued by the City pursuant to a sign on the property at 603 Giles, at the corner of Giles and Adobe, as requested by Mr. J. B. Lizarraga.

Mr. Lizarraga, private citizen, spoke briefly in regard to his item on the agenda today.

Mr. Terry Williams, Deputy Director of Building Services, explained the background regarding this item and that this case went before the Municipal Court and the gentleman was found guilty and fined \$100.00.

Mr. Lizarraga explained his side of the issue.

Mr. Charlie McNabb, City Attorney, explained that Council Members have no jurisdiction over Municipal Court cases.

Motion made by Representative Cook, seconded by Representative Sumrall and unanimously carried that the City Council retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

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|-----------------|--|
| Section 551.071 | CONSULTATION WITH ATTORNEY |
| Section 551.072 | DELIBERATION REGARDING REAL PROPERTY |
| Section 551.073 | DELIBERATION REGARDING PROSPECTIVE GIFTS |
| Section 551.074 | PERSONNEL MATTERS |
| Section 551.076 | DELIBERATION REGARDING SECURITY DEVICES |

- A. Ignacio Cabrales, 01-A-002 (551.072)
- B. Trans World Airlines Chapter 11 (551.071)
- C. El Paso Electric Co. Application to Increase Fuel Factor and for Fuel Surcharge, SOAH Docket No. 473-01-1494, PUC Docket No. 23530 (Section 551.071)

Motion made, seconded and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council, during which time motions were made as follows:

.....
Motion made Representative Medina, seconded by Representative Cook and carried that the City settle its subrogation interest in the claim of **IGNACIO CABRALES; 01-A-002** as recommended by the City Attorney.

.....
Motion made by Representative Medina, seconded by Representative Cook and carried that **PATRICK T. ABELN BE AUTHORIZED TO FILE PROOF OF CLAIM IN THE BANKRUPTCY OF TRANS WORLD AIRLINES** as recommended by the City Attorney.

.....
Motion made by Representative Medina, seconded by Representative Cook and carried that the City Council rejects the settlement proposal of the Company in the matter of *Petition of El Paso Electric Company to Increase Fuel Factor and for Fuel Surcharge*, SOAH Docket No. 473-01-1494, PUC Docket No. 23530 as recommended by the City Attorney.

Representative Sumrall and Representative Sariñana voted Nay.

Motion passed 6-2.

.....
Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to adjourn this meeting at 12:45 p.m.

APPROVED AS TO CONTENT:

Carole Hunter

Carole Hunter, City Clerk

APPROVED AS TO FORM:

Charles P. McNabb

Charles McNabb, City Attorney